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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
William J. Baer

Docket No. STL000014US1/A8486

Appln. No. 09/488,976

Group Art Unit: 2172

Confirmation No. 5177

Examiner: TAM V. NGUYEN

Filed: January 21, 2000

For: METHOD AND SYSTEM FOR ADDING USER-PROVIDED CONTENT TO A
CONTENT OBJECT STORED IN A DATA REPOSITORY

PETITION UNDER 37 CFR § 1.181(a) TO
WITHDRAW A HOLDING OF ABANDONMENT

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SEP 08 2003

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Technology Center 2100

Sir:

Applicant petitions the Commissioner under 37 C.F.R. § 1.181(a) to withdraw a holding of abandonment of the above identified application. The application was allegedly abandoned for failure to respond to the Office Action dated November 7, 2002, within the time period set therein. However, a response to the November 7, 2002 Office Action was in fact filed in the USPTO within the required time period, but evidently has been misplaced by the USPTO.

Submitted herewith in support of the Petition are the following documents:

1. Non-Final Office Action, mailed by the USPTO on November 7, 2002.
2. A copy of the Amendment Under 37 C.F.R. § 1.111 and the Change of Correspondence Address – Application, filed February 7, 2003.
3. Stamped Returned Receipt bearing USPTO mail room stamp of February 7, 2003 and identifying as filed the papers entitled "Amendment Under 37 C.F.R. § 1.111" and "Change of Correspondence Address - Application"
4. Notice of Abandonment.

PETITION UNDER 37 CFR § 1.181(a)
Application Number 09/488,976

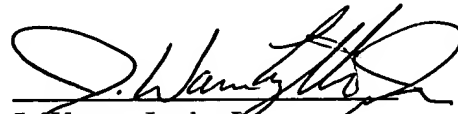
From documents 1-3 it is clear that an Amendment Under 37 C.F.R. § 1.111 was filed with the USPTO on February 7, 2003, in response to the November 7, 2002 Office Action, within the required response time period.

The Examiner indicates in the Notice of Abandonment that messages were left with Applicant's representative on several occasions. However, the undersigned notes that no such messages were received.

In view of the circumstances described above, Applicant respectfully submits that the application is not abandoned and petitions the Commissioner to withdraw the holding of Abandonment.

It is respectfully submitted that under 37 C.F.R. § 1.181(a), no fee is required to accompany this Petition to Withdraw Holding of Abandonment. However, if it is deemed that a fee is due, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



J. Warren Lytle, Jr.
Registration No. 39,283

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

PATENT TRADEMARK OFFICE

Date: August 28, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Washington, D.C. 20231
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,976	01/21/2000	William J. Baer	STL000014US1	5177

27896 7590 11/07/2002

EPSTEIN, EDELL, SHAPIRO, FINNAN & LYTLE, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE, MD 20850

EXAMINER

NGUYEN, TAM V

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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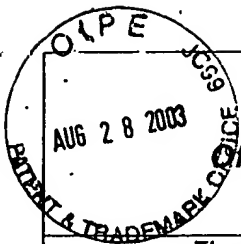
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BY THE DAY

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Office Action Summary

Application No.

09/488,976

Applicant(s)

BAER ET AL.

Examiner

Tam V Nguyen

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

In response, the examiner respectfully disagrees because a library client (30) [is a user] creates a piece map with a header and sends a request to library server (20). The library server (20) receives a piece map and assigns [adds] a item ID and part number for the piece map, and sets a REP type if specify by the library client (col. 9, lines 64-col. 10, lines 14 and see fig. 4).

New adding claims 25-30 has rejected below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman et al. (US 5857203).

Re claims 1, 9, and 17, Kauffman discloses a method for adding user-provided content object as a plurality of content entities in a data repository comprising the steps of:

Kauffman discloses defining the content object by a list of content entity identifiers (item id, part number, and rep type as the steps of defining the object, (Col. 9, lines 64-Col. 10, lines 40); receiving user-provided content, assigning it an identifier, and storing it with its identifier in the data repository, (Col. 8, lines 45-55 and Col. 9, lines

Art Unit: 2172

64-Col. 10, lines 40); adding the identifier of the user-provided content to the list, whereby the user-provided content is added to the content object (Col. 9, lines 64-Col. 10, lines 13).

Kauffman does not clearly teach "receiving the user-provide content, assigning it an identifier and storing it with its identifier in the data repository".

However, Kauffman shows library client (30) creates a piece map with a header and sends a request to library server (20) to store the piece map (26). Library server (20) creates an entry in parts table (14) and assigns a item ID and part number for the piece map, and sets a REP type if specified by the library client, (col. 9, lines 64-col. 10, lines 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to employ receiving the user-provide content, assigning it an identifier and storing it with its identifier in the data repository in Kauffman because the library server (20) has the capability to do exactly the same functions as the library client (30).

Re claims 2, 5, 10, 13, 18, and 21, the method of claim 1, further comprising the step of receiving a user-provided location for inserting the content entity into the content object, and inserting the identifier into the list at that location, (Col. 8, lines 5-14).

Re claims 3, 8, 11, 16, 19, and 24, the method of claim 2, further comprising the steps of providing a user interface communicating with the data repository, and

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providing mechanisms for receiving the user-provided content and specification of a desired location through the user interface, (Col. 18-32 and see fig. 1).

Re claims 4, 12, and 20, Kauffman discloses a method for adding user-provide content to a hierarchically structured content object stored as a plurality of content entities in a data repository, comprising the steps of:

Kauffman discloses the content object is relating to the item id, part number, and rep type, (Col. 10, lines 31-40).

Library Server receiving the content from the Client, (see fig. 2), assigning item id, part number, and rep type to the content as an identifier, (Col. 8, lines 45-55), and storing the content with content's identifier in the Library Server and Object Store, (Col. 8, lines 45-55 and see fig. 2); and

Adding the item id, part number, and rep type to the list, whereby the client-provided content is added to the object, (Col. 9, lines 64-Col. 10, lines 13).

Re claims 6, 14, and 22, the method of claim 4, wherein the user-provided content comprises a content entity, (Col. 8, lines 45-55).

Re claims 7, 15, and 23, the method of claim 4, wherein the user-provided content comprises a container, (Col. 1, lines 18-32).

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Re claims 25, 26, 27, 28, 29, and 30, wherein the received user-provide content is not part of the content object, (Col. 9, lines 64-Col. 10, lines 14).

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Contact Information

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam V Nguyen whose telephone number is (703) 305-3735. The examiner can normally be reached on 7:30AM-5: 00PM.

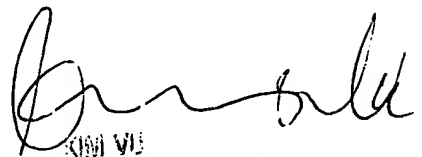
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Yen Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for formal communications and (703) 746-7240 for informal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Virginia 22202. Fourth Floor (Receptionist).

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TV:tv

10/25/02


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: A8486

William J. Baer, et al

Appln. No.: 09/488,976

Group Art Unit: 2172

Confirmation No.: 5177

Examiner: TAM V. NGUYEN

Filed: January 21, 2000

For: METHOD AND SYSTEM FOR ADDING USER-PROVIDED CONTENT TO A
CONTENT OBJECT STORED IN A DATA REPOSITORY

AMENDMENT UNDER 37 C.F.R. § 1.111

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated November 7, 2002, please amend the above-
identified application as follows:

IN THE CLAIMS:

Please enter the following amended claims:

25. The method of claim 1, wherein the received user-provided content is not part of the
content object and wherein the plurality of content entities define the content object as a
compilation of related content.

26. The method of claim 4, wherein the received user-provided content is not part of the
content object and wherein the plurality of content entities define the content object as a
compilation of related content.

AMENDMENT UNDER 37 C.F.R. § 1.111
USAN 09/488,976

27. The program storage device of claim 9, wherein the received user-provided content is not part of the content object and wherein the plurality of content entities define the content object as a compilation of related content.

28. The program storage device of claim 12, wherein the received user-provided content is not part of the content object and wherein the plurality of content entities define the content object as a compilation of related content.

29. The system of claim 17, wherein the received user-provided content is not part of the content object and wherein the plurality of content entities define the content object as a compilation of related content.

30. The system of claim 20, wherein the received user-provided content is not part of the content object and wherein the plurality of content entities define the content object as a compilation of related content.

**AMENDMENT UNDER 37 C.F.R. § 1.111
USAN 09/488,976**

REMARKS

Claims 1-30 are all the claims pending in the application.

Claims 1-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kauffman et al ("Kauffman"). Applicants respectfully traverse the rejection because even if it would have been obvious to modify Kauffman as asserted in the Office Action, which it is respectfully submitted it is not, the modified reference would not meet all limitations in the claims.

Kauffman, modified as asserted in the Office Action, still would not add user-provided content to a content object that is stored as a plurality of content entities in a data repository, as required by the independent claims.

In the Office Action, the Examiner takes the position that the claimed user-provided content corresponds to Kauffman's piece map. It is further asserted that Kauffman discloses adding an identifier for the piece map to an object server table which allegedly corresponds to the claimed "list of content entity identifiers."

Kauffman, as is admitted in the Office Action, does not teach "receiving the user-provided content, assigning it an identifier and storing it with its identifier in the data repository." See page 4 of the Office Action. However, the Examiner points out that Kauffman shows that a library client (30) creates the piece map and sends a request to a library server (20) to store the piece map. The library server then creates an entry in a parts table and assigns an item ID and part number for the piece map. The piece map is then stored in an object server and an ID for the piece map is stored in an object server table. The Examiner asserts, based on Kauffman disclosing that the library client creates the piece map and sends it to the library

**AMENDMENT UNDER 37 C.F.R. § 1.111
USAN 09/488,976**

server, that it would have been obvious to receive user-provided content, assign it an identifier, and store it in the data repository.

It is respectfully submitted that even if Kauffman were modified as asserted in the Office Action, the modified reference would not add an identifier of the user-provided content, i.e., the piece map, to a list of content entity identifiers defining a content object. The piece map is stored in an object server with an item ID for the piece map being recorded in the object server table. See column 10, lines 5-13. Kauffman neither teaches nor suggests that the piece map is added to a content object, as required by the claims, since the object server table is not a content object. The piece map, not the object server table, defines a large content object and contains information for each piece of that large object. See column 7, lines 61-63 and column 8, lines 39-40. Kauffman does not teach or suggest that an object server table is a content object, nor would a person of ordinary skill in the art understand that the object server table is a content object, since the piece map, not the object server table, defines the large content object. Accordingly, even if the teachings of Kauffman were modified as asserted in the Office Action, all the limitations of claim 1 would not be met. The other independent claims require a similar limitation. Hence, it is respectfully submitted that Kauffman does not render the claims unpatentable.

All of the remaining claims contain by reference all the limitations of at least one of the independent claims, and hence are patentable for at least the same reasons.

Claims 25-30 are amended to recite that the plurality of content entities define the content object as a compilation of related content. For example, a content object can be an album, a

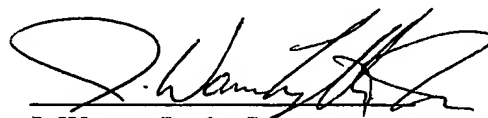
AMENDMENT UNDER 37 C.F.R. § 1.111
USAN 09/488,976

book, a video, etc. See page 2, for example. It is respectfully submitted that Kauffman neither teaches nor suggests this limitation. Even assuming *arguendo* that the Examiner reads the claimed content object on the object server table in Kauffman, it is respectfully submitted that Kauffman does not teach or suggest that the object server table is defined as a compilation of related content. Accordingly, it is respectfully submitted that claims 25-30 are also patentable on that basis.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



J. Warren Lytle, Jr.
Registration No. 39,283

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: February 7, 2003

APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

25. (Amended) The method of claim 1, wherein the received user-provided content is not part of the content object and wherein the plurality of content entities define the content object as a compilation of related content.

26. (Amended) The method of claim 4, wherein the received user-provided content is not part of the content object and wherein the plurality of content entities define the content object as a compilation of related content.

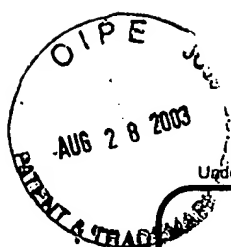
27. (Amended) The program storage device of claim 9, wherein the received user-provided content is not part of the content object and wherein the plurality of content entities define the content object as a compilation of related content.

28. (Amended) The program storage device of claim 12, wherein the received user-provided content is not part of the content object and wherein the plurality of content entities define the content object as a compilation of related content.

29. (Amended) The system of claim 17, wherein the received user-provided content is not part of the content object and wherein the plurality of content entities define the content object as a compilation of related content.

AMENDMENT UNDER 37 C.F.R. § 1.111
USAN 09/488,976

30. (Amended) The system of claim 20, wherein the received user-provided content is not part of the content object and wherein the plurality of content entities define the content object as a compilation of related content.

**CHANGE OF
CORRESPONDENCE ADDRESS**
*Application*Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

Application Number	09/488,976
Filing Date	1/21/2000
First Named Inventor	Baer
Art Unit	2172
Examiner Name	Nguyen, Tam V.
Attorney Docket Number	STL000014US1/A8486

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Customer Number

23373

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Telephone

Fax

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I am the :



Applicant/Inventor.

Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

Attorney or Agent of record.

Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number 39,283Typed or Printed
Name

J. Warren Lytle, Jr.

Signature

Date

February 7, 2003

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

24

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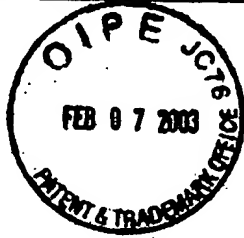
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Group Art Unit: 2172

Examiner: TAM V. NGUYEN

For: METHOD AND SYSTEM FOR ADDING USER-PROVIDED CONTENT TO A CONTENT
OBJECT STORED IN A DATA REPOSITORY

PAPER(S) FILED ENTITLED:

1. Amendment Under 37 C.F.R. §1.111
2. Change of Correspondence Address - Application

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Facsimile: (202) 293-7860

DOCKET NO.: A8486

ATTORNEY/SEC: JWL:te

Date Filed: February 7, 2003

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,976	01/21/2000	William J. Baer	STL000014US1	5177

23373 7590 07/01/2003

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2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037

A8486

EXAMINER

NGUYEN, TAM V

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JUL 7 2003

ART UNIT	PAPER NUMBER
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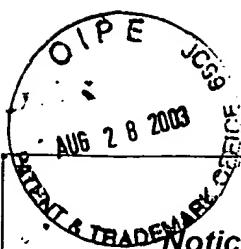
2172

DATE MAILED: 07/01/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

4



Notice of Abandonment

Application No.

09/488,976

Examiner

Tam V Nguyen

Applicant(s)

BAER ET AL.

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

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This application is abandoned in view of:

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1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on 07 November 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

The applicant's representative was called several times on June 23, 25, and 27 and left messages but no response.


JEAN M. CORRIELUS
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office

PTO-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 16